

REMARKS

In the Office Action mailed on August 3, 2004, Applicants were informed that the rejection of claims 1-21 based in part on U.S. Patent No. 6,522,078 to Okamoto et al. was withdrawn because the facts established by the supplemental oath and accompanying evidence filed on April 19, 2004 along with a Request for Continued Examination were accepted as proof of actual reduction to practice of the invention before the August 25, 2000 filing date of Okamoto et al. In addition, claim 14 was objected to because of multiple instances of a period (.) within the claim; claims 14-21 were rejected under 35 U.S.C. 112, second paragraph as being indefinite; and claims 1-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,769,120 to Laverty, Jr. et al. in view of U.S. Patent No. 6,286,764 to Garvey et al. Lastly, it was stated in the subject Office Action that claim 13 contained allowable subject matter but was objected to as being dependent on a rejected base claim. Applicants appreciate the indication of allowable subject matter.

With this reply, claim 14 has been amended to remove multiple instances of a period (.) in the claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 14.

Claim 14 has also been amended to further clarify that the claimed system is for the remote operation of at least one personal hygiene appliance and that the system includes “at least one of said appliance.” This limitation when read with the limitations of “means, remote from and associated with each appliance,” and “a remote radio transmitter connected to each means for signaling an intent” clearly indicates that the number of means is dependent on the number of appliances and the number of remote

radio transmitters is dependent on the number of means. In other words, there may be one or more means depending on the number of appliances and there may be one or more remote radio transmitter depending on the number of means. Applicants respectfully submit that claim 14 as amended is not indefinite and respectfully request reconsideration and withdrawal of the rejection of claims 14-21 based on 35 U.S.C. 112, second paragraph.

Support for claim 14 can be found throughout the specification and particularly on pages 8-10 and FIG. 2. FIG. 2 illustrates a system having multiple appliances and a sensor or switch associated with each specific appliance among other things. The first full paragraph of page 8 indicates that FIG. 2 diagrammatically illustrates a control board, and the appliances and trigger devices (either sensor or switch) of FIGS. 1A, 1B, 1C, and 1D, with such appliances and trigger devices shown as 46 and 48, respectively. Using the description of FIG. 1A as an example, the first full paragraph on page 4 point outs that the appliance, in this case, a flush valve 10 includes an electric operator and in the preferred embodiment includes a radio frequency transmitter and radio frequency receiver. Furthermore, in the last paragraph on page 4 and which ends on page 5 points out that associated with flush valve 10 is infrared sensor 12 which is separate and apart from flush valve 10 and includes a radio frequency transmitter and radio frequency receiver. Since FIG. 2 diagrammatically illustrates a control board, and the appliances and trigger devices of FIGS. 1A, 1B, 1C, and 1D among other things and since there is more than adequate description of these appliances and trigger devices, Applicants respectfully submit that the specification provides support for the limitations of not only claim 14 but also of claims 15-21. Therefore, Applicants respectfully request

reconsideration and withdrawal of the rejection of claims 14-21 since these claims are clear and definite and are supported by the specification.

Claims 1-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,769,120 to Laverty, Jr. et al. (Laverty) in view of U.S. Patent No. 6,286,764 to Garvey et al. (Garvey). It was stated that Laverty discloses all the features of claim 1 except for an indicator located at said means for signaling an intent, a remote radio receiver connected to said indicator to provide an operating signal therefor and said appliance transmitter to send a message unique to said appliance (acknowledge message) to said remote radio receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator. It was further stated that Garvey teaches these absent features and that it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Laverty and Garvey in order to meet the claimed subject matter of the present invention. Applicants respectfully disagree.

Beside the features not disclosed by Laverty that were identified in the subject Office Action, Laverty also does not teach a personal hygiene appliance which is one of a hand dryer or paper towel dispenser since Laverty only discloses liquid supply fixtures. Hand dryers and towel dispensers are simply not the liquid supply fixtures disclosed in Laverty. In addition, Laverty does not teach an appliance radio receiver connected electrically to said operator to provide an activating signal thereto. Laverty discloses a microprocessor based infrared sensor and incorporates a remote control unit to vary the parameters of the operating unit. See, column 2, lines 22-29 and lines 39-42. Particularly, Laverty discloses that communication between a portable controlling

instrument and infrared sensor having appropriate controlling software provides automatic range adjustment function commanded by an infrared remote control. See, column 2, lines 51-58. In other words, the remote control unit is utilized to alter or vary parameters, such as range adjustments to the microprocessor based infrared sensor. Laverty fails to teach an appliance radio receiver that provides an activating signal to the operator.

Adding the teachings of Garvey does not make up for the deficiencies of Laverty. According to the Office Action, at column 9, line 50 to column 10 line 26, column 12 lines 60-67, and FIG. 1, Garvey teaches an indicator 64 located at said means 62 for signaling an intent, a radio receiver, which is not shown, connected to said indicator to provide an operating signal therefore; and at column 11, lines 16-34, column 12 lines 12-16, column 15, lines 25-65 and FIG. 5 according to the Office Action, Garvey further teaches said appliance transmitter (34) to send a message unique to said appliance (acknowledge message) (i.e. status signal) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator (64) in order to facilitate user monitoring of system status.

However, Garvey discloses in column 9, line 50 to column 10 line 26, column 12 lines 60-67, and FIG. 1 a user input device 62, a user display 64 for selection of pre-programmed system parameters and function, and also allows user programming. In addition, these cited sections disclose that the user input device can receive user input via a variety of modes including manual operation of a keypad, joystick etc. or voice input or optical input using optical recognition processing. Further, these sections disclose that

the input device can be variably constructed and integrated with the control unit and that selecting or modifying system parameters can be accomplished by depressing keys or by audible or optical signals. And lastly, on column 12 lines 60-67 Garvey discloses remote control of the supply system such as flow control and FIG. 1 only shows the fluid supply system. Nowhere in these sections or in FIG. 1 does Garvey disclose a remote radio receiver connected to said indicator to provide an operating signal therefore. Not only does Laverty not teach the features of claims 1-12 as indicated above but the teaching of Garvey is also deficient with respect to the feature identified in the Office Action. For at least these reasons the combination of Laverty and Garvey fail to teach or suggest the features of claims 1-12.

The Office Action also states that Garvey discloses in column 11 lines 16-34, column 12 lines 12-16, column 15 lines 25-65 and FIG. 5 said appliance transmitter (34) to send a message unique to said appliance (acknowledge message) (i.e. status signal) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator (64) in order to facilitate user monitoring of system status.

First, Garvey in column 12, lines 12-16 only discloses that current date and time are received and displayed on the user display 64. This disclosure teaches nothing with regard to the appliance transmitter sending a message unique to said appliance to the remote receiver to acknowledge receipt of an intent message and the remote receiver upon receipt of the acknowledge message causing activation of said indicator.

Second, Garvey in column 15, lines 25-65 only discloses that the user display provides an array of display functions and information such as the on/off status and

system parameters. There is no teaching of said appliance transmitter (34) to send a message unique to said appliance (acknowledge message) (i.e. status signal) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator (64).

Third, Garvey in column 11, lines 16-34 discloses that in an exemplary input model, the user may enter a desired set volume and that after receiving this data the control unit transmits the signal to the flow valve to close after the volume is reached and that when the desired volume is reached is preceded by warning signal transmitted by the controller to the display to trigger an audible and/or visual warning. Garvey also apparently discloses on FIG. 5 that the input device can transmit and receive signals without a hard wire connection. While this section and figure disclose wireless communication between the input device and controller there is no teaching of sending a message unique to said appliance (acknowledge message) to said remote receiver to acknowledge receipt of said intent message, said remote receiver, upon receipt of said acknowledge message, causing activation of said indicator (64). The signal sent by the controller as disclosed in column 11 lines 29-34 is not a message unique to said appliance to acknowledge receipt of an intent message. Again, Garvey fails to teach the features indicated by the Office Action. In addition, Garvey does not teach or suggest all the features of claim 1 even when combined with Laverty. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-12.

Since claims 2-12 are dependent on claim 1 and since Laverty alone or in combination with Garvey fail to teach or suggest the features of claim 1, these claims are also allowable. In addition, claims 2-12 disclose additional features and are patentably

distinct. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-12.

For at least the reason given above, Applicant submits that all the claims are now in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all the rejections and that a Notice of Allowance be issued forthwith.

It is believed that no fees are due with this reply. However, if a fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Respectfully submitted,



Michael D. Zaronias
Registration No. 54,564

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
312.236.8500